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SUBJECT: SCENARIOS FOR VENEZUELA'S SIGNATURE APPEALS

REF: CARACAS 1507

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for Reasons 1.4 (d).

Summary

[11.](#) (C) The May 27-31 signature appeals process ("reparos") is a critical juncture in the opposition's attempt to remove President Hugo Chavez via a recall referendum. The National Electoral Council's rigid appeals system will likely result in a slim margin of victory or defeat, which could increase the uncertainty in the political environment. Scenarios for how the appeals process will play out depend on whether the opposition wins or loses, by a little or a lot. Factors affecting the possible scenarios include the numerical capacity of the appeals system, violence, transparency, social protests, and the military's reaction. End summary.

What If The Opposition Wins?

[12.](#) (C) Scenario 1: Opposition Wins Big. The opposition needs a net gain of about 550,000 signatures during the May 27-31 appeals process to activate the recall referendum against President Hugo Chavez. The NGO Sumate believes the most optimistic scenario is to hit a maximum of 2.66 million signatures, well above the 2.46 million threshold needed to activate the referendum. A cushion of 200,000 such as this would hand a moral victory to Chavez opponents and give them momentum for a possible referendum on August 8. A comfortable margin of victory would also limit the possibility of the National Electoral Council's (CNE) denying the referendum based on technicalities.

[13.](#) (C) Chavez would have difficulty digesting this type of loss as it would suggest that his assertions of "megafraud" -- that no more than two million people actually signed -- were incorrect. He would likely appeal the decision to the Supreme Court's (TSJ) Constitutional Chamber, which presently is disposed to rule in his favor. The TSJ deliberations would take days or weeks, especially if the opposition opposes the Constitutional Chamber's jurisdiction (over that of the Electoral Chamber). Whether the public, the international community, and the Venezuelan military would respect a TSJ decision depends on the merits of the case. If opinion is against him, presumably Chavez would be forced to submit to the referendum. Alternatively, he could try to delay the referendum past August 19 -- after which time a successful recall would replace Chavez with the Vice President. Though less likely because of the political costs, Chavez could thumb his nose at the referendum altogether and cause a major constitutional crisis.

[14.](#) (C) Scenario 2: Opposition Squeaks By. Winning by a slim margin -- 50,000 or less -- would not guarantee the referendum takes place. The lesson of the process thus far is that the CNE is willing to revisit rules and procedures in favor of the GOV. Factors such as transparency and the influence of international observers will be critical to ensuring the integrity of the results. Even if the CNE is compelled by slim margins, and by national and international opinion, to convoke the referendum, the GOV will snipe at the decision as an "electoral coup d'etat," pressing allegations the opposition only crossed the threshold through fraud. There is some speculation, perhaps far-fetched but possible nonetheless, that the majority of pro-Chavez CNE directors might resign in protest rather than certify the appeals results, causing the electoral equivalent of a mistrial. In this scenario, Chavez would likely resort to the TSJ as outlined in Scenario 1.

What If Chavez Opponents Lose?

[15.](#) (C) Scenario 3: Opposition Bombs. Falling significantly short of the 2.46 million would break the backbone of the

opposition, namely, the Coordinadora Democratica (CD). The majority of Venezuelans will blame utter failure primarily on the opposition, not the GOV, regardless of how much tricks, irregularities, or fraud influenced the outcome. With the referendum clearly extinguished (the Constitution allows only one chance per term, per official), the opposition would fragment further as groups diverge into new strategies of resistance. Political parties would switch attention to the September 26 state and local elections, though anti-Chavez candidates will have been stained by "losing the referendum." Some groups would become more radical and join those already advocating for an extra-constitutional exit for Chavez via (a hoped for but unlikely) military uprising.

16. (C) A CD belly flop is the scenario on which Proyecto Venezuela founder Henrique Salas Romer is betting. Salas would probably try to form a new opposition front geared at defeating Chavez in the 2006 elections. Chavez supporters would rally for the September regional elections and possibly sweep them in the face of a crushed opposition. National Assembly elections in 2005 would become the next battleground, where a Chavista landslide would consolidate Chavez's control over the state. Chavez himself would press more stridently for development and implementation of revolutionary programs.

17. (C) Scenario 4: Opposition Misses By An Inch. A slim margin of failure would look a lot like scenario three, but with greater rancor toward the GOV. The CNE would declare the referendum process terminated, which would touch off social protests against Chavez. The opposition would challenge the results in the Supreme Court, only to be frustrated by the blocking power of the Chavista magistrates there. Opposition unity would slowly decline as Chavez opponents face the reality of the referendum's death. Opposition parties may still win some key states and municipalities in the regionals, but probably fewer than they currently hold. The GOV would continue its program of intimidating opposition groups, though it may attempt a modus vivendi with some parties to develop a "loyal opposition." Perhaps more so than in Scenario 3, Chavez would push his revolutionary programs. Without a clear win, his political position would need to be buttressed further with hostile rhetoric.

Critical Factors Affecting Outcome

18. (C) Appeals Process Infrastructure. The CNE has designed a three-day process that will see long lines and only two CNE workers receiving the appeals at each of the 2,659 centers. Mathematically, this puts a cap of around 800,000 for the number of appeals that can be received, lower than the 1.19 million potential appeals and not including those who may wish to be removed from the 1.9 million valid signatures. This scenario does not take into account possible harassment from Chavez supporters, bad weather, or CNE incompetence. The opposition hopes it can familiarize people with the process sufficiently beforehand to maximize the number of persons attended.

19. (C) Violence and/or Social Protests. An outbreak of violence -- or threats thereof -- during the appeals could discourage turnout. A Chavez speech calling on his followers to stop the "megafraud" during last year's signature drive dissuaded people from signing, according to CD analysts. Social protests, peaceful or otherwise, may also play a role, especially as Venezuelans wait for the CNE to announce the results. If the opposition announces a big win on June 1, after the appeals centers close but before the expected official announcement o/a June 4, Chavez supporters are sure to take to the streets. Chavez opponents might act similarly if the process is compromised by GOV dirty tricks.

10. (C) Fraud and Manipulation. Fraudulent acts committed by either side could be a determining factor in a narrow victory

or defeat. The pro-GOV campaign committee Comando Ayacucho has already alleged that Chavez opponents plan to falsify identity cards for the appeals process. The Coordinadora, too, claims that the GOV has been issuing identity documents to supporters in the name of persons whose signatures have been deemed valid and have not reason to attend the appeals process. A major fraud accusation during the three days of appeals could cause the CNE to modify rules in a manner that affects the outcome of the process. International observers will be key for damage control in this case. Also, although CNE rules state that the appeals will simply be counted at the tables and totaled by the CNE, it cannot be ruled out that the CNE will manipulate the process by elaborating a new "verification" process that scrutinizes the individual appeals.

11. (C) Reaction of the Military. The army, acting under "Plan Republica," will provide security and logistical

support for the appeals centers and transportation of CNE materials. The military will probably perform as it did during the signature drive, generally fulfilling its mission with few disruptions by local commanders. Whether the military was soured by its heavy repression of citizen protests in February and March, and whether it is hesitant to repeat such oppression, is uncertain. The military's response to blatant electoral tinkering by Chavez is anyone's guess.

12. (C) The Weather. Opposition organizers believe a key factor affecting possible turnout will be rain, and the end of May is solidly in Venezuela's rainy season. Counting on maintaining a maximum flow of people at the signature centers, losing even a few hours because of a rainstorm, will be significant. Coordinadora advisor Jorge Casado, for example, told PolCouns that during the May 8 simulation they clearly saw the possible negative impact of the weather at several locations around the country.

Comment: The Known Unknown

13. (C) The success of the opposition's collection of signatures in November surprised Chavez, his lieutenants having assured him that his opponents would fall short. Faced with overwhelming numbers of signatures against him, Chavez first cried "mega-fraud" and then had the CNE commit its own fraud by invalidating hundreds of thousands of legitimate signatures during the verification process. We cannot predict what Chavez will do, but we do not expect him to be a passive observer of the appeals process. He will act to defeat the process, by hook or crook, but maintaining a fig leaf of plausible deniability.

14. (C) Most polls show an overwhelming preference by Venezuelans on both sides to have a referendum to settle the country's political impasse. With less than two weeks to go, Chavez opponents remain energized and confident that they will have the turnout needed to succeed. The allegations of Colombian paramilitary invasion, however, have already become a major distraction and a GoV damper on opponents with concerns about a possibly harsher crackdown. Additionally, the GOV smirks of unusual confidence -- from Chavez down to CNE Director Jorge Rodriguez -- give rise to suspicions that Chavez may indeed be planning something that will keep the opposition from crossing over the threshold. We thus believe the appeals will result in the less decisive scenarios (2 or 3). Much will depend on the referee work of international observers, or at least their cataloging the GOV's electoral transgressions.
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